

**SPECIAL ORDINANCE NO. 14, 2011.**

**APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE**

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Common Address of lots to be rezoned:

218 Maple Avenue, Terre Haute, IN 47804

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Rezone From:	<u>R-2 Two Family Residence District</u>
Rezone To:	<u>C-2 Community Commerce District</u>
Proposed Use:	<u>Commercial Development</u>
Name of Owner: (1)	<u>William J. Robinson and Lynn Ann Robinson</u>
Address of Owner:	<u>218 Maple Avenue</u> <u>Terre Haute, IN 47804</u>
Phone Number of Owner:	<u>(812) 232-3163</u>
Attorney Representing Owner:	<u>Richard J. Shagley</u>
Address of Attorney:	<u>Wright, Shagley &amp; Lowery , P.C.</u> <u>PO Box 9849, Terre Haute, IN 47808</u>
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	<u>Neil Garrison</u>

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

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FILED  
MAY 06 2011  
CITY CLERK

**SPECIAL ORDINANCE NO. 14, 2011**

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

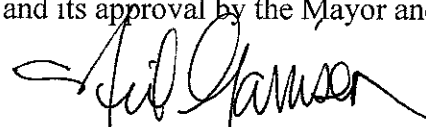
Lot Numbers Three (3) and Four (4) in Robinson Plaza Subdivision, part of Section 9, Township 12 North, Range 9 West, recorded as Instrument No. 2011002903 in the Recorder's Office of Vigo County, Indiana.

Commonly known as 218 Maple Avenue, Terre Haute, IN 47804.

be and the same is, hereby established as a C-2 Community Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, \_\_\_\_\_

  
Neil Garrison, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
John Mullican, President

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

  
\_\_\_\_\_  
Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

**PETITION TO REZONE REAL PROPERTY**

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, William J. Robinson and Lynn Ann Robinson, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lot Numbers Three (3) and Four (4) in Robinson Plaza Subdivision, part of Section 9, Township 12 North, Range 9 West, recorded as Instrument No. 2011002903 in the Recorder's Office of Vigo County, Indiana.

Commonly known as 218 Maple Avenue, Terre Haute, IN 47804.

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-2 Two Family Residence District.

Your Petitioners would respectfully state that the real estate is now vacant and that Petitioners intend to develop the real estate for commercial use.

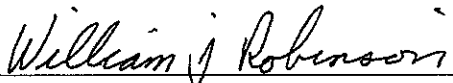
Your Petitioners would request that the real estate described herein shall be zoned as a C-2 Community Commerce District to allow for the use as proposed by the Petitioners. Your Petitioners would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood, since the real estate is located adjacent the commercial property owned by Petitioners.

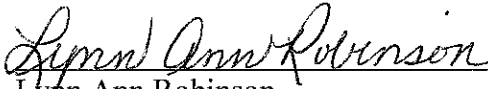
Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-2 Community Commerce District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have executed this Petition to Rezone Real Property, this 5 day of May, 2011.

**PETITIONERS:**

  
William J. Robinson

  
Lynn Ann Robinson

WRIGHT, SHAGLEY & LOWERY, P.C.

500 Ohio Street

PO Box 9849

Terre Haute, IN 47808

Phone: (812) 232-3388

BY: 

Richard J. Shagley, #257-84  
Attorneys for Petitioners

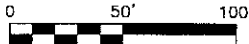
The owner and mailing address: William J. Robinson and Lynn Ann Robinson, 218 Maple Avenue, Terre Haute, IN 47804.

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

# SITE PLAN

## Robinson Plaza Subdivision

Part of Section 9, Township 12 North, Range 9 West, Harrison Township, Vigo County, Terre Haute, Indiana.



SCALE: 1" = 50'

**Zoned:**  
R-2 parcels 452-007, -008, -009  
and C-3 parcel 452-002, -003, -004,  
-005, -006, -010  
**Flood Zone Info:**  
Zone C, FIRM Map 180264 0001 B  
Effective Date: Dec. 1, 1981

**Curve Data**  
P.I. Sta. 257+40.32  
Delta=45°01'48" Lt.  
R=2106.77'  
T=873.30'  
L=1655.76'  
E=173.83'

**Area Tabulation**

Lot 1: 0.52 ac., 0.34 ac. Net
Lot 2: 0.18 ac., 0.14 ac. Net
Lot 3: 0.14 ac., 0.07 ac. Net
Lot 4: 0.27 ac., 0.18 ac. Net
Lot 5: 0.33 ac., 0.21 ac. Net
<b>Total: 1.44 ac.±, 0.94 acres Net</b>

**Note:** Lot areas extend to center of sewer and drive easement.

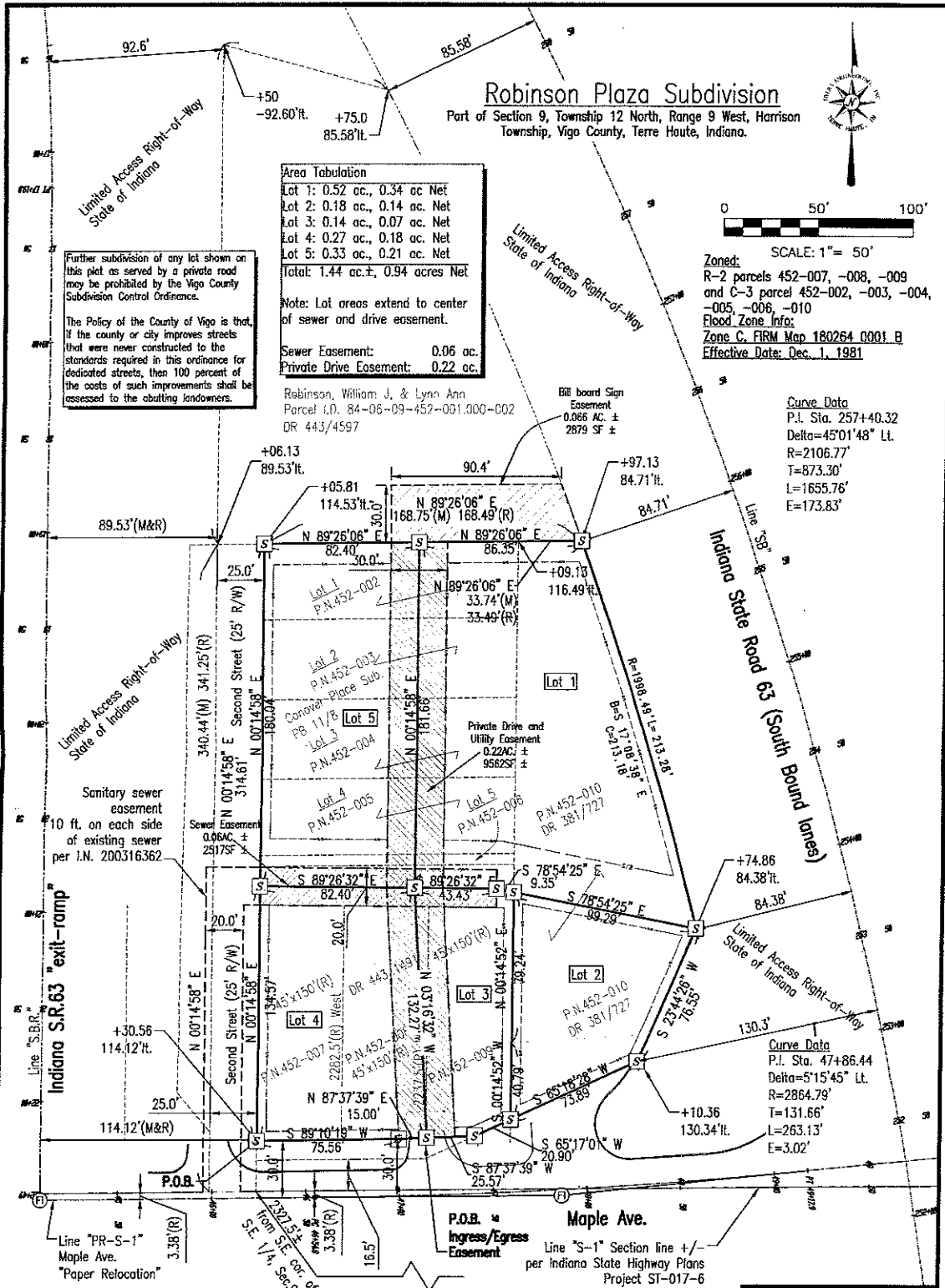
**Sewer Easement:** 0.06 ac.  
**Private Drive Easement:** 0.22 ac.

Robinson, William J. & Lynn Ann  
Parcel I.D. 84-06-09-452-001.000-002  
DR 443/4597

Bill board Sign  
Easement  
0.066 AC. ±  
2879 SF ±

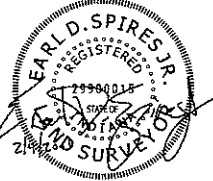
Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Vigo County Subdivision Control Ordinance.

The Policy of the County of Vigo is that, if the county or city improves streets that were never constructed to the standards required in this ordinance for dedicated streets, then 100 percent of the costs of such improvements shall be assessed to the abutting landowners.



SIGNED AND SEALED HARD COPY IS THE INSTRUMENT OF SERVICE. THIS DRAWING MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF MYERS ENGINEERING, INC.

SHEET 2 OF 4



MYERS ENGINEERING, INC.  
1033 Crawford Street  
Terre Haute, IN 47807  
PHONE: (812) 238-9731  
FAX: (812) 238-1353  
http://MyersEngineering.com  
Copyright © 2011

### PLAT

CLIENT:	Bill Robinson	RECORD OWNER:	Bill Robinson
DRAWN BY:	WV	DATE:	2/04/2011
CHECKED BY:	EDS, CT	PROJECT NUMBER:	TM10-251
APPROVED BY:	EDS	DRAWING NAME:	Plat
SCALE:	1" = 50'	FILENAME:	TM10-251.dwg
DO NOT SCALE PRINT			

DATE	NO.	REVISIONS	BY	CHECKED

R:\TM10\TM10-251 Robinson Plaza\TM10-251.dwg, 2/4/2011 2:24:24 PM, 1:1

DULY ENTERED FOR TAXATION  
Subject to final acceptance for transfer

96 07280

001491

APR 30 1998

RECEIVED FOR RECORD

*John A. Anderson* Auditor  
Vigo County

007280

93 APR 30 PM 2:31

WARRANTY DEED

PALL MASON  
VIGO CO. RECORDER

THIS INDENTURE WITNESSETH: That MARJORIE K. KALEN and ROY J. KALEN, each a competent adult, of Okaloosa County, in the State of Florida,

CONVEY AND WARRANT to WILLIAM J. ROBINSON and LYNN ANN ROBINSON, husband and wife, of Vigo County, in the State of Indiana, for and in consideration of the sum of One Dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, State of Indiana, to-wit:

Beginning at a point on; the North line of Maple Avenue 2282.5 feet West of the South East corner of Section 9, Township 12 North of Range 9 West running thence North 150 feet, thence West 45 feet, thence South 150 feet, thence East 45 feet to the place of beginning.

Except that part thereof described as follows, to-wit: A part of the South Half of Section 9, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, described as follows: Commencing at the Southeast corner of said section; thence South 89 degrees 15 minutes 45 seconds West 2327.50 feet along the South line of said section; thence north 0 degrees 04 minutes 25 seconds East 16.50 feet to the point of beginning of this description, which point is on the North boundary of Maple Avenue; thence continuing North 0 degrees 04 minutes 25 seconds East 10.12 feet along the West line of the above described real estate; thence North 88 degrees 59 minutes 41 seconds East 45.00 feet to the East line of the above described real estate; thence South 0 degrees 04 minutes 25 seconds West 10.33 feet to said North boundary of Maple Avenue; thence South 89 degrees 15 minutes 45 seconds West 45.00 feet along said boundary to the point of beginning and containing 460 square feet, more or less.

ALSO

Part of the South West Quarter (1/4) of the South East Quarter (1/4) of Section 9, Township 12 North of Range 9 West described as follows, to-wit:

Beginning at a point 2237.5 feet West of the South East corner of said Section, thence North 150 feet, thence West 45 feet, thence South 150 feet, thence East 45 feet to the place of beginning.

Except that part thereof described as follows, to-wit:

A part of the Southwest Quarter of the Southeast Quarter of Section 9, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, described as follows: Commencing at the Northeast corner of said section; thence South 89 degrees 15 minutes 45 seconds West 2237.49 feet along the South line of said section; thence North 0 degrees 04 minutes 25 seconds East 16.50 feet to the point of beginning of this description, which point is on the North boundary of Maple Avenue; thence South 89 degrees 15 minutes 45 seconds West 45.00 feet along the North boundary of said Maple Avenue to the West line of the above described real estate; thence 0 degrees 04 minutes 25 seconds East 10.33 feet along said West line; thence North 88 degrees 59 minutes 41 seconds East 30.06 feet; thence North 89 degrees 04 minutes 36 seconds East 14.94 feet to the East line of the above described real estate; thence South 0 degrees 04 minutes 25 seconds West 10.52 feet along said East line to the point of beginning and containing 470 square feet, more or less.

Subject to a temporary easement in and to the following described real estate, to-wit:

A part of the Southwest Quarter of the Southeast Quarter of Section 9, Township 12 North, Range 9 West, Harrison Township,

Vigo County, Indiana, described as follows: Commencing at the Southeast corner of said section; thence South 89 degrees 15 minutes 45 seconds West 2237.49 feet along the South line of said section; thence North 0 degrees 04 minutes 25 seconds East 27.02 feet to the point of beginning of this description, which point is on the East line of the owner's land; thence South 89 degrees 04 minutes 36 seconds West 14.94 feet; thence North 17 degrees 43 minutes 38 seconds East 14.84 feet; thence North 88 degrees 03 minutes 29 seconds East 10.45 feet to said East line; thence South 0 degrees 04 minutes 25 seconds West 14.25 feet along said East line to the point of beginning and containing 179 square feet, more or less, for the purpose of constructing a driveway, which easement will revert to the owner of said real estate upon completion of Indiana State Highway project ST-017-6().

ALSO

Commencing at a point on the North line of Maple Avenue 115 feet East of the West line of the following described tract of land as follows, to-wit:

Beginning 1650 feet West of the South East corner of Section 9, Township 12 North of Range 9 West, thence West 702 5/10 feet, thence North 771 25/100 feet to the North line of the land of which Ralph Conover died seized, thence East 702 5/10 feet, thence South 771 25/100 feet to the place of beginning, in the South half of the South East quarter of Section 9, Township 12 North of Range 9 West, thence North 150 feet, thence East 45 feet, thence South 150 feet, thence West 45 feet, to the place of beginning.

Except that part thereof described as follows, to-wit:

A part of the South Half of Section 9, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana described as follows: Commencing at the Southeast corner of said section; thence South 89 degrees 15 minutes 45 seconds West 2237.49 feet along the South line of said section; thence North 0 degrees 04 minutes 25 seconds East 16.50 feet to the point of beginning of this description, which point is on the North boundary of Maple Avenue; thence continuing North 0 degrees 04 minutes 25 seconds East 10.52 feet along the West line of the above described real estate; thence North 89 degrees 04 minutes 36 seconds East 25.64 feet to the Northwestern boundary of Maple Avenue; thence South 64 degrees 28 minutes 41 seconds West 25.29 feet along the Northwestern boundary of said Maple Avenue to the North boundary of said Maple Avenue; thence South 89 degrees 25 minutes 45 seconds West 2.82 feet along said North boundary to the point of beginning and containing 150 square feet, more or less.

Subject to a temporary easement in and to the following described real estate, to-wit:

A part of the South Half of Section 9, Township 12 North, Range 9 West, Harrison Township, Vigo County, Indiana, described as follows: Commencing at the Southeast corner of said section; thence South 89 degrees 15 minutes 45 seconds West 2237.49 feet along the South line of said section; thence North 0 degrees 04 minutes 25 seconds East 27.02 feet to the point of beginning of this description, which point is on the West line of the above described real estate; thence continuing North 0 degrees 04 minutes 25 seconds East 14.25 feet along said West line; thence North 88 degrees 03 minutes 29 seconds East 9.25 feet; thence South 49 degrees 10 minutes 01 second East 21.65 feet; thence South 89 degrees 04 minutes 36 seconds West 25.64 feet to the point of beginning and containing 251 square feet, more or less, for the purpose of constructing a driveway, which easement will revert to the owner of said real estate upon completion of Indiana State Highway project ST-017-6().

This deed is executed in completion of a certain Land Contract



001491

between the parties hereto dated July 16, 1993.

IN WITNESS WHEREOF, The said grantors above named have hereunto set their hands and seals, this 28<sup>th</sup> day of April, 1998.

Roy J. Kalen (SEAL) Marjorie K. Kalen (SEAL)  
Roy J. Kalen Marjorie K. Kalen

STATE OF FLORIDA, COUNTY OF OKALOOSA, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 28<sup>th</sup> day of April, 1998, personally appeared the within named Marjorie K. Kalen and Roy J. Kalen, each a competent adult, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission expires:

Aug. 7, 1998

Lisa Darlene Brock  
Notary Public  
A resident of Okaloosa  
County, Florida

Mail tax duplicates to: 2500 N 12TH ST 47804

This instrument prepared by: C. Don Nattkemper, Attorney at Law, 322 South 6th Street, P.O. Box 1444, Terre Haute, Indiana 47808.



RECEIVED FOR RECORD  
AT 4:30 O'CLOCK PM  
RECORD 443 PAGE 1491

Paul Mason  
RECORDER VIGO COUNTY

11/00

STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF VIGO        )

**AFFIDAVIT**

Comes now, William J. Robinson, being duly sworn upon his oath, deposes and says:

1. That the William J. Robinson and Lynn Ann Robinson, are the fee simple owners of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Numbers Three (3) and Four (4) in Robinson Plaza Subdivision, part of Section 9, Township 12 North, Range 9 West, recorded as Instrument No. 2011002903 in the Recorder's Office of Vigo County, Indiana.

Commonly known as 218 Maple Avenue, Terre Haute, IN 47804.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to William J. Robinson and Lynn Ann Robinson, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that William J. Robinson and Lynn Ann Robinson, are the owners of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by William J. Robinson and Lynn Ann Robinson.


4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5 day of May, 2011.

  
William J. Robinson

STATE OF INDIANA )  
 ) SS:  
COUNTY OF VIGO )

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this 5 day of May, 2011.

  
\_\_\_\_\_  
Jim J. Brown, Notary Public

My Commission expires:

1-20-2018

My County of Residence:

Clay

This instrument prepared by Richard J. Shagley, Attorney At Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, IN 47807.